



## HFMA UPDATE

by Graham Keen,  
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## The times they are a-changin'

**W**hen it came to thinking about the subject matter for this month's column, I clearly did not have to look too far given the recent cataclysmic events. This is one of those rare times when everyone, virtually without exception, has an opinion, and there has never been a more social media-friendly environment for just about everyone to express these opinions.

As I seem to have had reason to say many times over in the last week or so, we have the privilege in this country to live in one of the world's oldest and greatest democracies, but on an occasion when we have witnessed the classic example of true democracy at work, a lot of people seem to want to be able to pick and choose which bits of democracy they are happy with more than others. Sorry, but it just doesn't work that way.

There is a real danger in writing about recent events, with the situation being so fluid and fast-moving, that what I say here may be badly out of date by the time you read this. I also run the huge risk of appearing to teach egg-sucking to many of you who are as well-informed, probably more so, than me. So I'll say this now, my apologies to you on both fronts if this now comes over as dated and factually incorrect.

Back in the day, whilst I was living and working near Chicago, I had the extraordinary experience of being with my friends and colleagues during 9-11, standing amongst them as, literally, the planes hit the towers. It was profoundly tragic and moving, of course, but also fascinating to have a totally different perspective on that event than the average Brit has. And so it came to pass that I happened to be in Milan on the day of the Referendum, and also the following day as the result was known, with my

European federation colleagues from across the EU attending EHPM's annual meeting of members. Whilst I'm not beginning to draw any comparisons between the two events, in their own way they were hugely significant and to see first-hand the reactions of my European colleagues and, without question, their subtly different attitude towards me and two other HFMA colleagues, on the Friday compared to the Thursday, was very interesting! The shock was palpable.

As I write this, things seem to be calming down just a little. The markets and exchange rates, whilst still very jittery, seem to be calming slightly, and we seem to be now well on the way to knowing who our next Prime Minister will be. It may take a little longer for the Opposition to figure things out, and even UKIP is now beginning the search for a new leader.

But the question we are all trying to figure out, whilst at the same time not getting too far ahead of ourselves, is what might be the likely implications for this industry? How will the future regulatory environment look for those wishing to market their natural health products here in the UK? Will our regulatory and enforcement officials in Whitehall and elsewhere take the easy option and require us to live with what we already have, or might they take the more enlightened route and recognise that there is an opportunity to correct some of the unfortunate and wholly unintended consequences of some of the more draconian aspects of recent EU Regulations and Directives?

Will they regulate appropriately for their own UK market and national interests? Will they also recognise the argument I have been making for years now, that individual countries should be free to recognise the particular nutritional needs of



Picture courtesy Maarten Wolterink

their people – don't get me started on how ridiculous it is to argue that you can harmonise human nutrition needs across the EU, in doing so saying that the nutritional needs of a man in Glasgow are identical to a man in Athens. It's just plain daft!

I think an interesting case in point might be what the future might hold, under the 'new' scenario, for the term 'Probiotic' and for probiotic health claims, all of which have been outlawed by the EU. If we are no longer to be subject to the horrendously poorly-implemented Nutrition and Health Claims Regulation, might we now be able to revert back to a status for probiotics that was entirely acceptable to the UK authorities prior to coming under the yolk of that particularly burdensome and damaging piece of legislation?

Clearly, nothing is going to change any time soon, so the full implications of Brexit will remain to be seen. But a lot must depend on the type of 'model' that the UK adopts/ negotiates with our EU friends for our future trading relationship with them. Clearly, the 'Norwegian' model (known as EEA – the European Economic Area Agreement) is going to be unacceptable, as we would effectively still be part of the EU without a seat at the table. Another alternative, the 'Swiss' model (known

as the Non-EEA Model) would mean that we have no form of preferential access to the EU market, so again this is likely to be unacceptable.

My guess is that it will be neither, and that a new one-off deal is eventually agreed. And after that it will then come down to the likes of me, and thousands more like me in similar positions, bringing pressure to bear on our UK authorities to recognise the many questions and concerns raised on behalf of our members for years now that have gone unheard or unrecognised by Brussels.

In closing, permit me to get something off my chest. One thing I do feel very strongly about is the suggestion, expounded time and time again over the last week or so, that I am somehow no longer 'European', or at least less 'European' than before the Referendum. So let's clear this up. I am as European today as the day I was born, and I'm still every bit as 'European' as somebody born and raised in Switzerland and Norway. Or France, Germany, Italy and Spain come to that. **hfb**

To help us in our efforts to protect this industry and benefit from the gold-standard advice we provide, join the HFMA at the earliest opportunity. To learn more about our activities, please contact [graham@hfma.co.uk](mailto:graham@hfma.co.uk).

**HFMA membership is vital to ensure that your company keeps abreast of the fast-changing regulatory environment. The HFMA is the UK's best source of information and most effective defender of our industry's interests. To help the HFMA defend your business at this most critical time contact [hfma@hfma.co.uk](mailto:hfma@hfma.co.uk) or call 020 8481 7100.**

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